

LAWCHAKRA.IN
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL NO(S).721 OF 2024
(ARISING OUT OF S.L.P. (CRIMINAL) NO(S).15538/2023)

MD. TAUHID @ KALLU, MANOJ SINGH

APPELLANT(S)

VERSUS

THE STATE OF BIHAR

RESPONDENT(S)

O R D E R

Heard the learned counsel appearing for the parties.

Leave granted.

The interim order was passed on 6th December, 2023. From 6th December, 2023 till date, the appellant-Md. Tauhid @ Kallu was called upon to join the investigation only once on 15th January, 2024. Paragraph 9 of the counter affidavit reads thus:

"9. That further as per order of Hon'ble Supreme Court I.O has served notice to petitioner Tauhid @ Kallu, Manoj Singh on 15/01/2024 to join the investigation as mentioned in paragraph-71 of C.D. and thereafter Tauhid @ Kallu, Manoj Singh appeared before I.O. on 24/01/2024 and on interrogation pleaded himself innocent but did not produce and material in support of his claim."

(underline supplied)

From paragraph 9 of the counter affidavit, it is obvious that the Police need the custody of the appellant-Md. Tauhid @ Kallu, not for interrogation but for some other reason. We must also record that the approach of the Police reflected from paragraph 9 of the counter affidavit, to say the least, is shocking. The Police Officer seems to be under an impression that the accused has to appear before him and prove his innocence. Such approach cannot be countenanced.

The interim order dated 6th December, 2023 is made absolute on the same terms and conditions.

The Appeal is, accordingly, allowed.

.....J.
(ABHAY S.OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
FEBRUARY 08, 2024.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 15538/2023

(Arising out of impugned final judgment and order dated 11-10-2023 in CRM No. 45266/2023 passed by the High Court of Judicature at Patna)

MD. TAUHID @ KALLU, MANOJ SINGH

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

Date : 08-02-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Syed Jafar Hussain, Sr. Adv.
Mr. Praveen Swarup, AOR
Mr. Ameet Singh, Adv.
Mr. K.P. Singh, Adv.
Ms. Archana Sharma, Adv.
Mr. Ravi Kumar, Adv.
Mr. Devesh Maurya, Adv.

For Respondent(s) Mr. Manish Kumar, AOR
Mr. Ravi Shanker Jha, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The Appeal is allowed in terms of the signed order. The operative portion of the order reads thus:

"The interim order dated 6th December, 2023 is made absolute on the same terms and conditions.

The Appeal is, accordingly, allowed."

Pending applications stand disposed of accordingly.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]